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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

62-116395

October 7, 1975

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: DEPOSITION OF ASSISTANT DIRECTOR
W. RAYMOND WANNALL

On October 3, 1975, in response to a request of Mr. John T. Elliff, Staff Member of the SSC, Mr. W. Raymond Wannall, Assistant Director, Intelligence Division, Federal Bureau of Investigation (FBI), was deposed in Room 457 of the Russell Senate Office Building by Messrs. James Dick, John T. Elliff, and Eric Richard, Staff Members of the captioned Committee. The deposition concerned matters relating to the so-called Watch List maintained by the National Security Agency (NSA) to record the list of names of individuals and organizations furnished to that Agency by the FBI for the purpose of receiving information coming to NSA's attention during the course of its regular activities relating to communications matters.

The Staff Members began taking the deposition at approximately 3:15 p.m. and it was completed at 5:40 p.m. The questions and answers were recorded by Mrs. Susan Hamback. Five minutes before the beginning of the deposition Senator Richard S. Schweiker of Pennsylvania appeared and placed Mr. Wannall under oath. He then departed. Mr. Wannall was advised of his rights. He was told that since a senator would not be present he could decline to answer questions and he could request a discontinuance at any time. He was further advised that the results would be recorded and he would be given an opportunity to review the transcription and sign it at a later time.

Mr. Wannall, just prior to leaving his office to appear for the deposition, was furnished the attached letter dated October 3, 1975, signed by Mr. David D. Lowman, Special Assistant to the Director for Congressional Reviews, NSA, and approved by Lieutenant General Lew Allen, Jr., Director of NSA. Messrs. Dick, Elliff, and Richard were

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advised of the contents of the letter which authorized Mr. Wannall to discuss and provide deposition, as requested, in executive (closed) session matters concerning the Watch List formally maintained by NSA at the request of the FBI. The letter stated further that concerning open sessions of the Senate Select Committee, Mr. Wannall was advised that NSA and Senate Select Committee representatives would commence negotiations on October 4, 1975, to define limits within which Special Intelligence information may be disclosed in open session and pending establishment of such limits, FBI personnel were requested not to discuss Special Intelligence matters in such open sessions.

Mr. James Dick of the Committee Staff was the principal interviewer. The following represents to the best of Mr. Wannall's recollection the information furnished by him responsive to specific questions. Material is not necessarily set forth in the order in which the questions were asked and the responses given.

Mr. Wannall was first exposed to NSA-type material when he arrived at Headquarters for assignment in 1947. This material had been produced by a predecessor agency to the National Security Agency. He became aware of some of the overall capabilities of the NSA probably sometime during the late 1950's.

He was shown copies of three FBI internal memoranda addressed from W. R. Wannall to W. C. Sullivan (at that time Assistant Director of the Domestic Intelligence Division of the FBI) captioned "Communications Intelligence - Cuba," and dated respectively May 18, 1962, January 16, 1963, and April 6, 1965.

Mr. Wannall explained that since Communications Intelligence matters relating to Cuba were handled in the Section of which he was Chief during this period, he had some personal knowledge in this area. With respect to Watch List matters in other areas of interest to the FBI, his knowledge for the most part was based on a review of material and information provided to him orally by current personnel of the Intelligence Division—principally during the preceding 24 hours. In this connection, he explained

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that he had learned at about 5:30 p.m. the preceding day, October 2, 1975, that his deposition testimony would be expected to relate either mainly or exclusively to Watch List matters.

The memoranda described above related to meetings held in Wannall's office in May, 1962, and January, 1963, at which representatives of NSA and representatives of Wannall's former Section were present. The discussions centered about the means whereby NSA could be most helpful to the FBI in processing some 20,000 messages received each month in NSA's coverage of Cuban matters. The messages were said to relate to both commercial and personal communications between Cuba and the United States.

The three memoranda showed that a procedure was worked out whereby the FBI could submit approximately 300 names and addresses to NSA for the purpose of securing information relating to FBI responsibilities.

Mr. Wannall was asked whether any criteria were established for the purpose of compiling the list of some 300 names. He responded in the affirmative and described the criteria prior to being shown the memorandum of April 6, 1965, wherein the criteria were set forth. The procedures for submitting the names were described. They consisted basically of attaching on a regular basis to a cover memorandum lists of names of individuals appearing in the Cuban Special Section of the Security Index and names of individuals listed in the regular section of the Security Index tabbed "pro-Cuban," together with identifying data on mail drops utilized by Cuban Intelligence Agents operating in the United States and Puerto Rico. The memoranda with attachments were sent through regular reviewing channels for approval to deliver to NSA the attachments themselves.

Mr. Dick referring to two other programs involving the Watch List (mentioned hereinafter) stated that similar procedures were not followed in submission of names to NSA and asked why this was so. He was advised that matters relating to the Watch List were handled on a need-to-know and strictly compartmented basis and the procedures utilized in other Sections would not necessarily be the same as those utilized in the Section formerly headed by Mr. Wannall.

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In response to questioning, Mr. Wannall stated that he could not recall any instances wherein names regarding the Cuban Watch List were submitted orally to NSA, but it was possible that this may have been done in some cases. He was not able to comment on the volume of material received from NSA in connection with the Cuban Watch List since the product went directly to the desks of the supervisors handling Cuban matters within his Section. He did recall that the quality of information was in some instances very good (since it related to known or suspected Cuban Intelligence Agents operating in the United States and Puerto Rico.)

The memorandum of May 18, 1962, referred to the fact that it would be helpful to the FBI to receive a periodic listing of firms in the U.S. which were doing business with individuals in Cuba and with the Cuban Government. In explaining this comment, it was pointed out that the U.S. Government had established a list of restricted items which could not be sent to Cuba without an export license and material of this nature would have been of value to the FBI to establish identities of firms which might be contravening the provisions of regulations so adopted and administered by the Department of Commerce. It was pointed out that to Mr. Wannall's knowledge no such U.S. firms were subsequently included on the Watch List.

The memorandum of January 16, 1963, referred to the possibility of furnishing to NSA a listing of approximately 1,100 Cuban invasion prisoners and 900 relatives of these prisoners who had recently been admitted to the U.S. It was explained that this referred to the prisoners taken by the Cubans during the Bay of Pigs invasion in April, 1961, who, to the best of Mr. Wannall's recollection, had been released by the Cuban Government and had returned to the United States around Christmastime of 1962.

It was pointed out that to the best of Mr. Wannall's recollection, representatives of NSA conducted a general briefing of certain personnel of the Domestic Intelligence Division sometime around the Fall of 1969 in order that the

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capability of NSA to assist the FBI in discharging its responsibilities in the intelligence field might be made known. This general briefing was not a briefing relating exclusively to the Watch List covering new left matters. A representative of the Section then headed by Mr. Wannall was sent to the general briefing but to the best of Mr. Wannall's recollection not to the briefing covering the New Left Watch List. Mr. Wannall again noted the fact that his awareness regarding both the New Left Watch List and another Watch List relating to racial matters had come principally from reviews of material and briefings by Intelligence Division personnel within the preceding 24-hour period.

Mr. Wannall was shown a copy of a letter originating with NSA which contained a code word utilized in connection with the New Left Watch List and was asked if he had ever heard the code name. He replied that he had heard it and estimated that it was some several months to a year or more after the New Left Watch List briefing in the Fall of 1969 which has been referred to above.

Mr. Elliff inquired as to the rules utilized by Headquarters in referring material originating with NSA to its various field offices for investigative attention. He was advised that the field was told the information could be utilized for lead purposes only, could not be included in any communication prepared for dissemination, and that individuals outside the FBI should not become cognizant of the fact that the FBI was in possession of the material. Mr. Elliff asked if the same standards were applied to information which was the product of foreign intelligence electronic surveillances conducted by the FBI. He was advised that that was not the case; information so produced could be set forth in communications prepared for dissemination in properly paraphrased form and in a manner which would protect the identity of the source.

With respect to foreign intelligence electronic surveillances conducted by the FBI, Mr. Elliff asked if there was one place to which FBI personnel could refer for

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the purpose of recovering such information. In response, the operation of the FBI's Electronic Surveillance Index was explained and it was pointed out that this index was not utilized as a Watch List. It was further explained that there is no computerization of such information. In response to a specific request, the Staff Members were advised that the material received from NSA as a result of the so-called Watch Lists had not been computerized.

Mr. Wannall was shown a copy of a letter addressed to the Director of NSA dated June 3, 1970, from which the subject had been excised with a notation that it was a code word for one of the Watch Lists, identified in a note on the yellow file copy as the Watch List relating to new left matters. In the letter the Director of NSA was informed that the FBI had a continuing interest in receiving intelligence information obtained in this particular operation. Mr. Wannall explained that from his review of material, he had established that this letter apparently had been written in response to a request from NSA that the FBI indicate if it did, in fact, have a continuing interest in receiving such information. At this point, a copy of a letter sent to the FBI by NSA was exhibited and it supported the reply to the previous question.

Mr. Dick then exhibited a copy of a teletype dated December 24, 1970, which had been sent by the FBI to NSA concerning an individual named Grover C. McArthur. In the body of the teletype, it was indicated that McArthur, a student at the University of Pennsylvania, was planning to write a paper on the Black Panther Party (BPP) and its international operations and was scheduled to leave the United States two days later for Algiers, Algeria, where an office of the BPP was located. Asked why the name of a student writing a paper on such a subject matter would be placed on a Watch List, Mr. Wannall stated that he had no knowledge in connection with this and suggested the possibility there may have been a file on McArthur which would show the basis for such a request. Mr. Elliff stated that he would explore the question whether, in fact, there was such an FBI file on McArthur.

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Mr. Wannall was specifically asked whether names were placed on any of the so-called Watch Lists orally. He advised that based on discussions he had had with Intelligence Division personnel, it was his understanding that some names were placed on some of the lists orally, but that he was unable to say how many and would estimate that the percentage was small. He was asked if he had any information indicating that set procedures were established with respect to the Watch Lists relating to new left and racial matters. He said he had been advised that a card file had been maintained as an administrative aid in order that the identities of individuals and organizations on a Watch List would be readily available. This card file was maintained on a temporary basis and cards were destroyed upon the removal of the names of individuals and organizations on the list. There was no central repository in Bureau files for the names on the lists. On a recurring basis, NSA would furnish Watch List print-outs which were circularized in order that a review could be made to assure that the list was up to date. It was pointed out by Mr. Wannall that he could not estimate how often these lists were received from NSA and circularized, although he felt that it was probably more frequently than yearly. Mr. Dick posed a question as to whether any names had been placed on the Watch Lists for foreign intelligence agencies and Mr. Wannall replied in the negative. Mr. Dick then exhibited a copy of a letter addressed by the Bureau to the Director of NSA on March 22, 1971, in which a request was made for any pertinent information which might come to NSA's attention concerning certain individuals who were named in an enclosure. The note on the yellow file copy indicated that the names on the enclosure had been furnished by a foreign intelligence service (the name of which had been excised) and that the individuals were ones in whom that service had an extreme interest. The note further indicated that in addition to being of interest to the foreign intelligence service, the individuals were also of interest to the FBI in view of existing close relationships between Black extremist activities in the United States and a foreign country. Mr. Wannall pointed out that his previous negative reply should probably have been qualified with the statement "to my knowledge," and that what seemed to be pertinent with respect to this matter was (1) whether NSA had ever provided information

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on any of the persons listed on the enclosure and (2) if so, whether such information had been furnished to the foreign intelligence service.

Another letter exhibited was one dated June 8, 1971, from the FBI to the Director of NSA captioned "Black Nationalist Movement, Racial Matters." This letter referred to some names, addresses, and, in some instances, telephone numbers which had been previously forwarded to NSA by communication dated June 4, 1971, and requested any pertinent information which NSA might possess or might have come to its attention concerning the individuals. The June 8, 1971, letter also had a note on the yellow in which it was stated that the list of names sent to NSA June 4, 1971, included suspects in the NEWKILL case and relatives and associates of suspects, as well as BPP members. In response to questions, Mr. Wannall explained what that case was and how the Bureau was called upon to undertake investigation. Since the case involved the killing of New York City Police Department officers in about May, 1971, Mr. Dick commented upon the possible use of NSA-produced information in a criminal investigation. He was advised that Mr. Wannall had no knowledge as to whether or not NSA provided any information which was so used in this particular matter.

Referring to previous information to the effect that Mr. Wannall was aware in the late 1950's of certain NSA operations, Mr. Dick inquired as to whether NSA was supplying information to the FBI before the institution of the Watch Lists. The reply was affirmative. He asked if such information included material on United States citizens. While Mr. Wannall could not recall specifics in this regard, he expressed the opinion that material on U.S. citizens was provided in the late 1950's and prior to the institution of the Watch Lists procedures. Mr. Dick mentioned a specific name of apparent French derivation which was not recognized by Mr. Wannall.

Inquiry was made as to whether former Director Hoover had given approval to the submission of names by the FBI to NSA. Mr. Dick was advised that it was recalled that in reviewing material during the preceding 24 hours, Mr. Wannall had seen former Director Hoover's

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approval on a communication relating to a Watch List and had also noted a serial or two which had been stamped into Mr. Hoover's office. It was further pointed out with respect to the approval of names for Watch Lists that normally the various Assistant Directors of the Division now called the Intelligence Division would have successively been the FBI representative on the United States Intelligence Board (USIB) and thus would probably be the most knowledgeable FBI official concerning USIB and NSA matters. Mr. Wannall also stated that he felt former Director Hoover had been familiar with NSA operations. Responding to specific questions, he stated he had no knowledge whether former Acting Director William Ruckelshaus was familiar with the NSA operations and no specific information concerning the knowledgeability of any Departmental officials with regard to such operations. He noted that he was aware that several Departmental officials had Special Intelligence clearances and by reason of their access to the material produced by NSA, some knowledge concerning NSA capabilities might have been acquired.

A letter, five pages in length, dated September 10, 1973, was exhibited. The letter was from the FBI to the Assistant Attorney General, Criminal Division, Department of Justice, and was captioned "United States v. William Ayers, et al., Eastern District of Michigan." Mr. Wannall's attention was directed to a sentence in the second paragraph of the letter wherein it was stated "We are in no position to discuss with you the manner in which these highly sensitive operations are carried out by NSA." He was asked whether this indicated that the FBI could not discuss this with the Assistant Attorney General because of its sensitivity or because of a lack of knowledge. Mr. Wannall stated he could not say what was in the mind of the writer of the letter. He pointed out that the previous sentence had indicated an awareness by the FBI of "the highly sensitive, complex operations relating to communications intelligence capabilities," which would seem to indicate an awareness as opposed to in-depth knowledge.

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Another sentence in this same letter on page 4 was to the effect "We have never considered NSA information or, for that matter, information in our files which originated with any other United States agency as being derived from electronic surveillance devices, since we are not privy to the methods and means of their obtaining the information." Mr. Dick asked that since the word "we" was used in this sentence, did it mean that just the writer or the Bureau took the position that NSA information was not considered as being derived from electronic surveillance devices. He was advised that again what was in the writer's mind could not be interpreted but that Mr. Wannall could cite a personal experience which might have a bearing on his question. Several years ago in a situation concerning which the circumstances and reasons could not be recalled, Mr. Wannall was desirous of establishing the source of certain information which had been provided by NSA. When he discussed this with the FBI Liaison Agent who dealt with NSA, he was told that the Liaison Agent understood NSA utilized electronic sources, live sources, other agencies both U.S. and foreign, and probably other type sources. The Liaison Agent further commented that NSA would not reveal a source of theirs any more so than the Bureau would discuss a source.

During an off-the-record discussion, a letter from the Attorney General to the Director, FBI, dated October 1, 1973, was considered. This letter captioned "Requests by FBI to NSA for Dissemination of Electronic Surveillance Information" contained instructions that the FBI should immediately cease requesting any further information from NSA which was obtained by that agency by means of electronic surveillances. The Attorney General made an exception to this by stating that if the FBI desired to obtain solely foreign intelligence or counter-espionage information from the NSA, which was acquired by that agency through electronic surveillances, the Attorney General's prior approval be secured. During the off-the-record discussion, Mr. Elliff stated that he wanted to get Mr. Wannall's reply on the record as to whether the FBI had secured the Attorney General's approval

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in this regard, utilizing the procedures which were outlined in the Attorney General's letter of October 1, 1973. Mr. Elliff was reminded of the parameters of the interview and the scope of release issued by NSA to Mr. Wannall to permit the latter to be deposed. Mr. Elliff said that since Watch Lists matters were involved, he wanted to pursue this and accordingly returning to on-the-record interview, Mr. Dick asked whether since the October 1, 1973, letter from the Attorney General the Bureau had utilized the procedure of seeking the Attorney General's approval to obtain solely foreign intelligence or counter-espionage information from NSA. The reply was negative. The question was propounded as to whether at the present time the FBI levies requests upon NSA. Mr. Wannall responded that at the present time the FBI does not request NSA to add to its electronic searching capability any names or items of interest to FBI investigations. The FBI, however, has requested to be placed on NSA's general distribution list for certain items of information which that agency develops by its foreign coverage in the course of servicing requests received from the USIB or other U.S. Government agencies.

Mr. Elliff then asked whether the Bureau as a member of the USIB made any input with respect to the overall United States Government intelligence requirements. He was advised that analysts prepare papers relating to such input which papers are passed upon by the Board and that the FBI has no analysts who participate in the preparation of such papers.

Responding to a question, Mr. Wannall pointed out that the Bureau does presently receive material from NSA and has had discussions with NSA to make that agency aware of the FBI's foreign counterintelligence interests. Mr. Elliff asked if the Attorney General was aware of this. He was advised that Mr. Wannall recalled attending a briefing in the Attorney General's Office within the past six months, which briefing was conducted by representatives of NSA. During the briefing the Attorney General became aware of certain areas of FBI interests with respect to NSA functions.

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The final question propounded was based on a January 22, 1974, communication to the Director, FBI, from the Assistant Attorney General, Criminal Division, relating to NSA Watch List system. The Director was reminded therein of the Attorney General's letter of October 1, 1973, wherein it was stated that the FBI should cease the practice of requesting information through the so-called Watch List system until the Attorney General is able to assess more carefully the effect of certain Supreme Court decisions concerning this practice. In order to complete that assessment, the Assistant Attorney General requested the most current list of names which the FBI had on NSA's Watch Lists prior to the termination of the Watch List practice. The question asked was, had the Attorney General ever completed his assessment and issued instructions to the FBI with regard to this matter. Mr. Wannall said that the Attorney General had not to his knowledge completed the assessment and issued such instructions as he, Wannall, believed he would be aware if that had been the case. It was pointed out, however, that Wannall had attended numerous conferences at which the Attorney General had been present and was aware that the Attorney General had given much consideration to this matter. He is presently giving consideration to it and when he completes his deliberations, it is felt that the Attorney General will issue any necessary guidelines which, of course, the FBI will closely follow.

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